

### REMARKS

Claims 1-75 are pending, with claims 1, 12, 22, 34, 45, 53 and 64 being independent. Claims 28, 50 and 70 have been cancelled by this amendment without prejudice. Claims 1, 9-12, 22, 29-31, 33, 34, 45, 51-53, 61, 64, 71-73 and 75 have been amended. New claims 76-78 have been added. These new claims cover subject matter similar to that of claims 31-33 and 72-75. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

#### Claim Rejections:

Claims 22, 23, 64 and 65 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1-75 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,519,715 to Takashi et al. (hereinafter, Takashi). These contentions are respectfully traversed.

#### Interview Summary:

Examiners Lamarre and Rizk are thanked for the interview, which was conducted with Applicants' representative, Mr. Hunter, on March 22, 2007. During the interview, claims 1 & 9, and Takashi were discussed. Mr. Hunter argued that Takashi does not describe a retry mode as claimed because Takashi is focused on reducing latency and teaches reading a disk again by doing a synchronized addition to the same sector. (See Takashi at col. 27, lines 45-59.) Takashi automatically reads the disk when the sector comes around again and automatically averages the new read signal with the stored read signal to reduce signal to noise ratio. Takashi does not

describe assessing the adequacy of a first read signal in order to decide whether or not to enter a retry mode where a new read signal is obtained for averaging with the previously obtained signal. Agreement was reached that this was a valid point of distinction, but that the claims did not fully reflect this; thus, Mr. Hunter was invited to submit a proposed amendment to clarify the nature of the claimed retry mode and focus the claims on the timing component of the determination of adequacy with respect to signal interpretation.

With respect to dependent claim 9, Mr. Hunter noted that the claimed determination of adequacy included comparing interpretations of the averaged read signal and the current read signal, and that Takashi does not describe this claimed subject matter. Examiners Lamarre and Rizk were unable to fully explain the basis for the current rejection of this claim. Examiner Rizk asked for some time to look into this issue more closely.

In addition, claims 22, 23, 64 and 65 were briefly discussed with respect to the rejection under 35 U.S.C. § 101. Examiners Lamarre and Rizk suggested amending the preamble to recite appropriate structure and to make clear that the claimed subject matter is not directed to an abstract algorithm.

Examiner Rizk is thanked for the follow up interview, which was conducted with Applicants' representative, Mr. Hunter, on April 5, 2007. During the interview, proposed amendments to the claims were discussed in view of Takashi. Agreement was reached that the proposed amendments (which are now formally submitted with this Response) overcome the current rejections under 35 U.S.C. §§ 101 and 102(e) because, the change to the preamble of claim 22 addresses the § 101 issue, and Takashi does not describe the subject matter of the

amended independent claims. Thus, in view of the present amendments to independent claims 1, 12, 22, 34, 45, 53 and 64, the current rejections should be withdrawn, and the subject matter of independent claims 1, 12, 22, 34, 45, 53 and 64 should be in condition for allowance. Dependent claims 2-11, 13-21, 23-27, 29-33, 35-44, 46-49, 51, 52, 54-63, 65-69 and 71-78 should be allowable at least due to their respective base claims and the additional recitations they contain.

### Conclusion

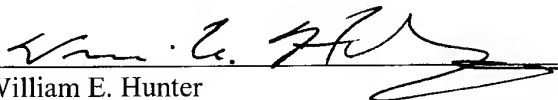
The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the remarks herein, claims 1-78 should be in condition for allowance. A formal notice of allowance is respectfully requested.

Please apply the one month extension of time fee as indicated on the enclosed Credit Card Authorization, and any other necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 9, 2007

  
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